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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,036	07/08/2003	Akiya Saito	239871US6	6715

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/13/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/13/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/614,036

Applicant(s)

SAITO ET AL.

Examiner

Kaveh Abrishamkar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/1/07, 11/01/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on December 11, 2006.

Claims 3-4, 6, and 9-15 are currently pending consideration.

Response to Arguments

2. Applicant's arguments, see Applicant's Remarks pages 5-9 filed December 11, 2006 with respect to the rejection(s) of claim(s) 3-4, 6, and 9-15 under Kobayashi et al. (U.S. Patent Publication No. US 2004/0042363) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Weiler et al. (U.S. Patent 6,725,205).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 3-4, 6, 9, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiler et al. (U.S. Patent 6,725,205).

Regarding claim 3, Weiler discloses:

A data recording medium, comprising:

a medium identification information unique to the data recording medium recorded thereon (column 4 lines 10-18), *wherein the software serial number is recorded on the medium to identify the installation software;*

a plurality of programs recorded on the data recording medium, wherein the medium identification information includes information with which one of the plurality of programs is designated (column 4 lines 26-33), *wherein the serial number associates a particular software with a particular system;*

a starting program, recording on the data recording medium, configured to cause a program of the plurality of programs, designated by the medium identification information, to automatically execute (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Weiler discloses:

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The data recording medium as set forth in claim 3, wherein the data recording medium is bundled with the hardware (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

Regarding claim 6, Weiler discloses:

A program starting method for executing a program recorded on a recording medium, comprising:

obtaining medium identification information (column 6 lines 44-54), *wherein the serial numbers between the software medium (medium identification) and the hard disk drive (hardware identification) are compared;*

determining a type that the medium identification information represents (column 6 lines 44-54), *wherein the serial numbers between the software medium (medium identification) and the hard disk drive (hardware identification) are compared to discover if the serial numbers are matched between the type of software and the disk drive;*

selectively executing a program corresponding to the type that the medium identification information represents, the execution being actuated by a starting program recorded on the recording medium (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed; and*

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performing an error process when a hardware identification information does not represent hardware that the medium identification information represents (column 6 lines 10-16), *wherein if the serial numbers do not match, the software is not installed.*

Claim 9 is rejected as applied above in rejecting claim 3. Furthermore, Weiler discloses:

The data recording medium according to claim 3, wherein said starting program is further configured to verify the medium identification information and a presence of a hardware device (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

Claim 11 is rejected as applied above in rejecting claim 3. Furthermore, Weiler discloses:

The data recording medium according to claim 4, wherein at least one of the plurality of programs is application software for use with the hardware device (Figure 4, column 3 line 64 – column 4 line 8), *wherein the programs, in one embodiment, are used to download software for a voicemail server.*

Claim 12 is rejected as applied above in rejecting claim 3. Furthermore, Weiler discloses:

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The data recording medium according to claim 3, wherein the medium identification information includes hardware recognition information (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Weiler discloses:

The data recording medium according to claim 12, wherein one of the plurality of programs is started based on at least one of a presence or recognition of a hardware device (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

Claim 14 is rejected as applied above in rejecting claim 6. Furthermore, Weiler discloses:

The data recording medium according to claim 6, wherein the medium identification information includes hardware recognition information (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

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Claim 15 is rejected as applied above in rejecting claim 13. Furthermore, Weiler discloses:

The data recording medium according to claim 13, wherein said selectively starting includes a starting of one of the plurality of programs based on at least one of a presence or recognition of a hardware device (column 5 lines 42-50, column 6 lines 44-54), *wherein if the disk drive serial number (hardware identification number) is the same as the target serial number (medium identification number) stored on the medium then the software is installed.*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiler et al. (U.S. Patent 6,725,205) in view of Tanaka (U.S. Patent 6,721,879).

Claim 10 is rejected as applied above in rejecting claim 3. Weiler discloses a plurality of programs stored on a CD-ROM. Weiler does not explicitly disclose that one of the programs is an instruction manual. Tanaka discloses using a user manual to provide the user with guidance in setting up and using the software and/or the hardware (column 13 line 64 – column 14 line 10). In one embodiment of Weiler, a voice mail

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application is downloaded on a hardware device. It was well-known in the art that user-manuals are stored and associated with devices to aid users in navigating and using a particular hardware device as is disclosed by Tanaka. Furthermore, Weiler is not limiting in his definition of "software" so the programs could include a user manual which could be displayed on the user interface (Figure 1, item 14). Therefore, it would have been obvious to provide a user manual as one of the plurality of programs used by Weiler to guide the user through the functions of the software as disclosed in Tanaka (column 14 lines 1-10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KA
03/03/2007

CHRISTOPHER REVAK
PRIMARY EXAMINER

